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August 29, 2018

Document Control Office (7407M)
Office of Pollution Prevention and Toxics (OPPT)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Attention: Docket ID EPA-HQ-OPPT-2018-0159

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), we are submitting the following comments on the U.S. Environmental Protection Agency's (EPA's) Proposed "Asbestos; Significant New Use Rule (SNUR)," which was published in the *Federal Register* on June 11, 2018 (83 Fed. Reg. 26,922). NACAA is the national, non-partisan, non-profit association of 156 local and state air pollution control agencies in 41 states, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based on that experience. The views expressed do not represent the positions of every state and local air pollution control agency in the country.

We are concerned that EPA's proposed SNUR for asbestos under the Toxic Substances Control Act (TSCA) could result in asbestos-containing products being manufactured, processed and imported for new uses. Such an outcome could elevate the levels of this material in the environment and increase health risks to the public from exposure to this dangerous substance.

In addition to being regulated under TSCA, asbestos exposure is recognized by the Clean Air Act as a threat to public health and is listed as a "Hazardous Air Pollutant." Exposure to asbestos is associated with severe adverse health effects: according to the Agency for Toxic Substances and Disease Registry (ATSDR), breathing asbestos can cause lung cancer, mesothelioma, asbestosis and pleural disease. Additionally, ATSDR reports that exposure to asbestos can cause cancer of the larynx and ovary, and there is evidence suggesting it may cause cancer of the pharynx, stomach and colorectum as well.¹

¹ Agency for Toxic Substances and Disease Registry. Accessed August 14, 2018.
https://www.atsdr.cdc.gov/asbestos/health_effects_asbestos.html

On June 28, 1994, in response to a 1991 court ruling, EPA issued a *Federal Register* notice containing a technical amendment to the “Prohibition of the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-containing Products; Labeling Requirements Rule (also known as the Asbestos Ban and Phase Out or ABPO Rule).”² In that notice, EPA confirmed that “the court said the rule continued to govern asbestos-containing products that were not being manufactured, imported, or processed on July 12, 1989.” In other words, EPA’s ban on asbestos remained in place for new uses after July 12, 1989. If EPA goes forward with its recently proposed SNUR, it could open avenues for new uses of asbestos, which have been banned for almost 30 years.

We are very concerned about a proposal that could result in products containing asbestos being manufactured, processed or imported for new uses, especially in light of the adverse impacts on public health from expanding the presence of asbestos in the environment. We recommend that EPA give consideration to the potential negative consequences of this proposed action before advancing it further.

Thank you for your attention to our comments.

Sincerely,



Robert H. Colby
Chattanooga, Tennessee
Co-Chair
NACAA Air Toxics Committee



William O'Sullivan
New Jersey
Co-Chair
NACAA Air Toxics Committee

² <https://www.gpo.gov/fdsys/pkg/FR-1994-06-28/html/94-15676.htm>